

DRAFT Industrial General Permit Order
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR
STORM WATER DISCHARGES
ASSOCIATED WITH INDUSTRIAL ACTIVITIES

ORDER NO.
NPDES NO. CAS000001

This Order was adopted by the State Water Resources Control Board on:	<Adoption Date>
This Order shall become effective on:	<Effective Date>
This Order shall expire on:	<Expiration Date>

IT IS HEREBY ORDERED, that this Order supersedes Order No. 97-03-DWQ except for enforcement purposes. The discharger shall comply with the requirements in this Order to meet the provisions contained in Division 7 of the California Water Code (commencing with Section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act and regulations and guidelines adopted thereunder.

I, Jeanine Townsend, Clerk to the Board, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the State Water Resources Control Board, on **<Adoption Date>**.

AYE:

NO:

ABSENT:

ABSTAIN:

Jeanine Townsend

Clerk to the Board

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I. FINDINGS

A. General Findings

The State Water Resources Control Board (State Water Board) finds that:

1. The Federal Clean Water Act (CWA) prohibits certain discharges of storm water containing pollutants except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. (33 U.S.C. §§ 1311, 1342 (also referred to as Clean Water Act (CWA) §§ 301, 402).) The U.S. Environmental Protection Agency (US EPA) promulgates federal regulations to implement the CWA's mandate to control pollutants in storm water discharges. (40 C.F.R. parts 122, 123, 124.) The NPDES permit must require implementation of Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate pollutants in storm water discharges and authorized non-storm water discharges. The NPDES permit must also include additional requirements necessary to implement applicable water quality standards.
2. On November 16, 1990, the US EPA promulgated Phase I storm water regulations C.F.R. in compliance with CWA Section 402(p). (55 Fed. Reg. 47990, codified at 40 C.F.R. § 122.26.) These regulations require operators of facilities subject to storm water permitting (dischargers) that discharge storm water associated with industrial activity (storm water discharges) to obtain an NPDES permit to implement BAT and BCT. CWA Section 402(p)(3)(A) also requires that permits for discharges associated with industrial activity include requirements necessary to meet water quality standards.
3. On December 8, 1999, US EPA promulgated Phase II storm water regulations that provide "Conditional Exclusion" to obtaining an NPDES permit to implement BAT/BCT applicable to all industrial activities other than construction. (64 Fed.Reg. 68722-52.) The Phase 1 regulations had limited permit exclusion to only a subset of all industrial facilities (the "light industry") that had "no exposure" of industrial activities or materials to storm water. Certification of "no exposure" was not required. All dischargers subject to this NPDES Industrial General Permit (General Permit) may obtain "Conditional Exclusion" to obtaining an NPDES permit to implement BAT/BCT if they prepare and submit a "No-Exposure Certification" (NEC) that their facilities have no exposure of industrial activities and materials to storm water discharges in accordance with Section XXI, Conditional Exclusion - No Exposure Requirements. Dischargers of light industry facilities that were previously excluded from coverage must either obtain coverage under this General Permit or comply with the requirements for Conditional Exclusion. Failure to comply with the Conditional Exclusion conditions listed in the General Permit will mean that the discharger becomes subject to enforcement for discharging without a permit, specifically under California Water Code Sections 13385

and 13399. Any conditionally exempt discharger who anticipates changes in circumstances should apply for and obtain permit coverage prior to the change of circumstances.

4. The Phase II regulations also require permitting for storm water discharges from facilities owned and operated by a municipality with a population of less than 100,000. The previous exemption from the Phase I permitting requirements under Section 1068 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) has been eliminated.
5. This Order is an NPDES General Permit in compliance with Section 402 of the CWA and shall take effect 100 days after adoption by the State Water Board, provided that the Regional Administrator of the US EPA has no objection. If the US EPA Regional Administrator has an objection, the General Permit will not become effective until the objection is withdrawn.
6. This action to adopt an NPDES General Permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the California Water Code (CWC).
7. State Water Board Order No. 97-03-DWQ is rescinded as of the effective date of this General Permit, [insert effective date].
8. Following adoption and upon the effective date of the General Permit, the State Water Board and the Regional Water Quality Control Boards (Regional Water Boards) can enforce the provisions herein, and can conduct inspections of each discharger's industrial facility. The Regional Water Boards can also adopt individual NPDES permits for the discharge of storm water associated with industrial activity.
9. The Fact Sheet is incorporated into the terms of this General Permit.
10. This General Permit authorizes discharges of storm water associated with industrial activities to waters of the United States, so long as the discharges comply with all requirements, provisions, limitations, and prohibitions in this General Permit.
11. This General Permit does not preempt or supersede the authority of municipal agencies to prohibit, restrict, or control storm water discharges and authorized non-storm water discharges to storm drain systems or other water-courses within their jurisdictions as allowed by state and federal law.
12. All terms defined in the CWA, US EPA regulations, and the Porter-Cologne Water Quality Control Act will have the same definition in this General Permit unless otherwise stated.

13. Pursuant to 40 C.F.R. Section 131.12, and State Water Board Resolution No. 68-16¹, which incorporates the requirements of Section 131.12 where applicable, the State Water Board finds that discharges in compliance with this General Permit will not result in the lowering of water quality standards, and are therefore consistent with those provisions. Compliance with this General Permit will result in improvements in water quality.
14. Compliance with any specific limits or requirements contained in this General Permit does not constitute compliance with any other applicable requirements.
15. The **Nationwide Urban Runoff Program (NURP)** is a research project conducted by the US [Environmental Protection Agency](#) (EPA) between 1979 and 1983. It was the first comprehensive study of [urban storm water pollution](#) across the [United States](#). In 1987, the results of the report were used as the basis of an amendment to the [Clean Water Act](#) requiring [local governments](#) and industry to address the pollution sources indicated by the report. The report found that urban and industrial runoff are major sources of pollutants to waters of the United States in all states.

B. Activities Covered Under the General Permit

16. This General Permit regulates storm water discharges and authorized non-storm water discharges from specific categories of industrial facilities identified in Attachment A and storm water discharges and authorized non-storm water discharges from facilities designated by the Regional Water Boards to obtain coverage under this General Permit. This General Permit does not apply to storm water discharges and non-storm water discharges that are regulated by other individual or general NPDES permits, including the NPDES Construction General Permit.
17. Facilities Subject To Storm Water Effluent Limitations Guidelines, New Source Performance Standards, Or Toxic Pollutant Effluent Standards (C.F.R.40 C.F.R. Subchapter N): Currently, categories of facilities subject to storm water effluent limitations guidelines are Cement Manufacturing (40 C.F.R. Part 411), Feedlots (40 C.F.R. Part 412), Fertilizer Manufacturing (40 C.F.R. Part 418), Petroleum Refining (40 C.F.R. Part 419), Phosphate Manufacturing (40 C.F.R. Part 422), Steam Electric (40 C.F.R. Part 423), Coal Mining (40 C.F.R. Part 434), Mineral Mining and Processing (40 C.F.R. Part 436), Ore Mining and Dressing (40 C.F.R. Part 440), Asphalt Emulsion (40 C.F.R. Part 443), and Landfills (40 C.F.R. Part 445).
18. Manufacturing Facilities:

1

Standard Industrial Classifications (SICs) 20XX through 39XX, 4221 through 4225. This category combines categories 2 and 10 of State Water Board Order No. 97-03-DWQ.

19. Oil And Gas/Mining Facilities:

SICs 10XX through 14XX, including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 C.F.R. Section 434.11(l) because a performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for areas of non-coal mining operations that have been released from applicable state or Federal reclamation requirements after December 17, 1990); oil and gas exploration, production, processing, or treatment operations; or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with any overburden, raw material, intermediate products, finished products, by-products, or waste products located on the site of such operations. Inactive mining operations are mined sites where operations have discontinued and which have an identifiable owner. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined material; or sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

20. Hazardous Waste Treatment, Storage, Or Disposal Facilities:

These facilities are operating under interim status or a general permit pursuant to Subtitle C of the Federal Resource, Conservation, and Recovery Act (RCRA).

21. Landfills, Land Application Sites, And Open Dumps:

Sites that receive or have received industrial waste from any of the facilities covered by this General Permit, sites subject to regulation under Subtitle D of RCRA, and sites that have accepted wastes from construction activities (construction activities include any clearing, grading, or excavation that results in disturbance of five acres or more).

22. Recycling Facilities: SICs 5015 and 5093.

These codes include metal scrap yards, battery declaimers, salvage yards, motor vehicle dismantlers and wreckers, and recycling facilities that are engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste material such as bottles, wastepaper, textile wastes, oil waste, etc.

23. Steam Electric Power Generating Facilities:

Includes any facility that generates steam for electric power through the combustion of coal, oil, wood, etc.

24. Transportation Facilities:

SICs 40XX through 45XX (except 4221-25) and 5171 that have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or other operations identified herein that are associated with industrial activity.

25. Sewage Or Wastewater Treatment Works:

Facilities used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge, that are located within the confines of the facility with a design flow of one million gallons per day or more or are required to have an approved pretreatment program under 40 C.F.R. Part 403. Not included are farm lands, domestic gardens, or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the Clean Water Act.

C. Activities Not Covered Under the General Permit

26. Industrial Discharges from Marinas and Maintenance Dredging in the Lake Tahoe Hydrologic Unit (El Dorado and Placer Counties). The Laotian Regional Water Board has adopted its own NPDES and General Waste Discharge Requirements (WDRs) to regulate discharges from marinas and maintenance dredging (Regional Water Board Order No. R6T-2005-0015 - NPDES CAG616003) in the Lake Tahoe Hydrologic Unit (Regional Water Board 6SLT).
27. Discharges of storm water from areas on tribal lands; industrial facilities on tribal lands are regulated by a federal permit.
28. Discharges of storm water regulated under another individual or General NPDES permit adopted by the State Water Board or Regional Water Board.
29. Industrial activity that discharges to Combined Sewer Systems.
30. Conveyances that discharge storm water runoff combined with municipal sewage.
31. Discharges of storm water identified in CWA § 402(l)(2), 33 U.S.C. § 1342(l)(2).
32. Discharges occurring in basins that are not tributary or hydrologic ally connected to waters of the United States (for more information contacts your Regional Water Board).
33. This General Permit does not authorize discharges of fill or dredged material regulated by the U.S. Army Corps of Engineers under CWA § 404

and does not constitute a waiver of water quality certification under CWA § 401.

34. This General Permit requires dischargers to electronically file all documents through the State Water Board's Storm Water Multi-Application and Report Tracking System (SMARTS) website to reduce the state's reliance on paper, to improve efficiency, and to make such permit documents more easily accessible to the public and the State and Regional Water Boards.
35. Any information provided to the Regional Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States; any information that does not comply should not be submitted.

D. Discharge Prohibitions

36. Pursuant to Water Code Section 13377, the State Water Board is authorized to adopt waste discharge requirements that prohibit discharges from containing pollutants that cause or threaten to cause pollution, contamination, or nuisance.
37. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit. Non-storm water discharges may contribute significant pollutant loads to receiving waters. Measures to control spills, leakage, and dumping, must be addressed through structural as well as non-structural Best Management Practices (Bumps). The State Water Board recognizes, however, that certain non-storm water discharges may be necessary for business practices and are not significant sources of pollutants when managed appropriately.
38. This General Permit incorporates discharge prohibitions contained in water quality control plans, as implemented by the State Water Board and the nine Regional Water Boards.

E. Numeric Action Levels (NALs) and Numeric Effluent Limitations (NELs)

39. The State Water Board convened a blue ribbon panel of storm water experts (panel) that submitted a report entitled, "The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities," dated June 19, 2006. The panel concluded that numeric limits or action levels are technically feasible to control industrial storm water discharges, provided that certain conditions are considered. The panel's final report concluded that it would be possible to determine numeric effluent limitations for industrial storm water discharges, but noted various reasons why such a determination would be problematic at that time. The State Water Board has evaluated the expert panel's suggestions for this General Permit, and has included

Numeric Action Levels (NALs) for all storm water discharges and a tiered compliance strategy that imposes NELs for facilities with recurring NAL trigger exceedances.

40. This General Permit uses the US EPA benchmarks listed in its industrial Multi-Sector General Permit (EPA's MSGP) for stormwater, but hereinafter refers to them as NALs.
41. The NALs in this General Permit are appropriate numeric thresholds that allow a discharger to take corrective action when any of the three NAL exceedance triggers are met.
42. The State Board finds that the USEPA benchmarks serve as an appropriate set of technology based effluent limitations that demonstrate compliance with BAT/BCT. Regional Boards may impose more stringent water quality based effluent limitations through the implementation of TMDLs or through other Regional Board actions.
43. Exceedances of the NALs or NAL triggers are not a violation of this General Permit. This General Permit requires dischargers that exceed the NALs through any one of three possible triggers (defined in Section XVII) to take the appropriate corrective action as set forth in Section XVII.
44. BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges are appropriate in lieu of numeric effluent limitations in storm water permits (40 C.F.R. 122.44(k)(2)). In order to assure compliance with industrial storm water permit requirements, this General Permit specifies minimum BMPs that are applicable at all facilities and contains instructions for development of additional facility-specific BMPs.
45. Federal regulations (40 C.F.R. Subchapter N) establish effluent limitations guidelines for storm water discharges from facilities in eleven industrial categories. Dischargers subject to these guidelines are required to comply with the Federal regulations included in Attachment H of this General Permit.
46. Pollutants in storm water discharges caused by atmospheric deposition and/or run-on from forest fires, or any other natural disaster do not apply towards any NAL corrective action trigger determinations.
47. If a discharger fails to take the appropriate corrective action, then the applicable NAL will become a Numeric Effluent Limitation that subjects the discharger to Mandatory Minimum Penalties (MMPs).

F. Receiving Water Limitations

48. This General Permit requires all enrolled dischargers to determine the receiving waters potentially affected by their discharges and to comply

with all applicable water quality standards, including any more stringent standards applicable to a water body.

49. This General Permit requires dischargers operating facilities that discharge to 303(d) listed impaired waters to evaluate potential industrial pollutants that are related to the impaired receiving waters and to analyze for additional sampling parameters. Attachment F of this General Permit provides a list of the 303(d) impaired waters.

G. Training

50. In order to improve compliance with and to maintain consistent enforcement of this General Permit, all dischargers are required to appoint two positions - the Qualified SWPPP Developer (QSD) and the Qualified SWPPP Practitioner (QSP) – both of whom must obtain appropriate training. Together with the key stakeholders, the State and Regional Water Boards are leading the development of this curriculum through a collaborative organization called The Industrial General Permit Training Team. The QSD and QSP training programs will include an exam to demonstrate competency.
51. The Professional Engineers Act (Bus. & Prof. Code Section 6700, et seq.) requires that all engineering work must be performed by a California registered professional civil engineer.

H. Storm Water Pollution Prevention Plan (SWPPP) Requirements

52. This General Permit requires the development of a site-specific SWPPP. The SWPPP must include the information needed to demonstrate compliance with all requirements of this General Permit, and must be kept at the industrial facility and be available for review.
53. To ensure proper oversight of the industrial facility, this General Permit requires a QSD to develop the SWPPP and amend or revise as necessary, and a QSP to oversee the implementation of the SWPPP and the BMPs required for compliance with this General Permit.

I. Sampling, Monitoring, Reporting and Record Keeping

54. Dischargers located within the watershed of a 303(d) impaired water body, for which a Total Maximum Daily Load (TMDL) had been adopted by the Regional Water Board or US EPA, may be required by a separate Regional Water Board action to implement additional BMPs, conduct additional monitoring activities, and/or comply with an applicable waste load allocation and implementation schedule. Attachment G of this General Permit provides links to the applicable TMDLs.
55. This General Permit complies with 40 C.F.R. 122.44(i)(3) and (4), which establish minimum monitoring requirements that must be included in storm water permits. These federal regulations require storm water permits to

require at least one annual inspection and any monitoring requirements for applicable effluent limitation guidelines in 40 C.F.R. Subchapter N. Federal regulations do not require storm water sampling or periodic visual monitoring to be included in storm water permits, with the exception of annual monitoring at facilities listed in Subchapter N. The minimum requirements in the regulations are that dischargers must (1) conduct an annual comprehensive facility compliance evaluation to identify areas of the facility contributing pollutants to storm water discharges, (2) evaluate whether measures to reduce industrial pollutant loads identified in the discharger's SWPPP are adequate and properly implemented in accordance with the terms of this General Permit, and (3) determine whether additional control measures are needed.

56. This General Permit contains additional monitoring requirements that are necessary to determine whether pollutants are being discharged, and whether corrective actions are necessary. This will in turn help dischargers to evaluate BMP effectiveness and General Permit compliance. Visual inspection is one form of monitoring. This General Permit requires dischargers to perform a variety of visual inspections designed to identify sources of pollutants. Compliance with the General Permit relies upon dischargers to electronically self-report any discharge violations and to comply with any Regional Water Board enforcement actions.

J. Reduction of Sampling

57. This General Permit allows for a reduction to the number of annual qualifying sampling events for dischargers who can demonstrate consistent compliance with the permit requirements.

K. Corrective Actions and Enforcement Actions

58. This General Permit requires dischargers to implement corrective actions when specific NAL corrective action triggers are met. Dischargers shall be subject to NELs if continued NAL corrective action triggers are met in future reporting years. Corrective actions are necessary to ensure that each discharger complies with this General Permit.

L. Conditional Exclusion - No Discharge Certification

59. This General Permit contains a conditional exclusion for all dischargers that certify that their facilities do not discharge storm water associated with industrial activity up to a 100, year 24 hour storm event. The State Board finds that it is unnecessary for dischargers to incur compliance costs associated with the implementation of the SWPPP and monitoring requirements for discharges that rarely occur and will have a negligible impact on waters of the United States. Dischargers seeking a conditional exclusion shall comply with the eligibility and certification requirements and instructions in Attachment B. Providing a standard design storm, requiring a California registered professional engineer certification, and

requiring dischargers to register will greatly improve the our regulatory oversight and provide dischargers compliance certainty.

M. Conditional Exclusion for Dischargers that Implement Green Storm Water Impact Reduction Technology (G-SIRT)

60. The State Board finds that dischargers that decrease runoff (effluent) volume and pollutant discharges in accordance with the G-SIRT design standards should be provided significant regulatory relief as they provide additional beneficial uses of the waters of the United States and the State of California. Therefore, this General Permit includes a provision (Section XXIII) to allow dischargers that design and implement improvements that satisfy future adopted State Board approved G-SIRT standards to apply for conditional exclusion to the SWPPP and monitoring requirements of this General Permit.

N. Regional Water Board Authorities

61. Regional Water Boards are primarily responsible for enforcement of this General Permit. This General Permit recognizes that Regional Water Boards have the authority to protect the beneficial uses of our receiving waters and prevent degradation of water quality. As such, Regional Water Boards may modify monitoring requirements, and review, comment, approve or disapprove any discharger reports required under this General Permit.
62. Regional Water Boards establish water quality standards in Basin Plans. The State Water Board establishes water quality standards in various statewide plans, including the California Ocean Plan. U.S. EPA establishes water quality standards in the National Toxic Rule (NTR) and the California Toxic Rule (CTR).

O. Special Requirements for Facilities Handling pre-production plastic pellets

63. California Water Code Section 13367 requires facilities handling pre-production plastic pellets to implement BMPs to eliminate discharges of plastic pellets.

IT IS HEREBY ORDERED that all dischargers subject to this General Permit shall comply with the following conditions and requirements.

II. CONDITIONS FOR PERMIT COVERAGE

P. Obtaining Permit Coverage for Industrial Facilities - General

1. Dischargers that discharge storm water associated with industrial activity to waters of the United States (see Standard Conditions, Electronic Signature and Certification Requirements, Section XXVIII.J.1) shall obtain coverage under this General Permit by using the State Water Board Storm Water Multi-

Application and Report Tracking System (SMARTS). For the sole purpose of electronic filing on SMARTS, the discharger is referred to as the Legally Responsible Person (LRP).

2. All references in this General Permit to electronic filing refer to electronic filing in SMARTS. With the exception of mailing any fees, all documents shall be filed in SMARTS. The SMARTS website is found at: Insert website here. To obtain coverage under this General Permit the discharger/LRP must electronically file in SMARTS Permit Registration Documents (PRDs) prior to the operation of industrial activity. When PRDs are electronically filed and the annual fee is received, the discharger will be assigned a Waste Discharger Identification (WDID) number.
3. PRDs shall consist of:
 - a. Notice of Intent (NOI)
 - b. Site Map
 - c. Storm Water Pollution Prevention Plan (Section VIII)
 - d. Annual Fee
 - e. Signed Certification Statement
4. Failure to obtain coverage under this General Permit for storm water discharges to waters of the United States is a violation of the CWA and the California Water Code.
5. New PRDs shall be electronically filed for every change in discharger or facility location. When the discharger of an industrial facility changes (e.g. ownership of the facility operations change), the prior discharger must inform the new discharger of the General Permit's requirements..
6. Dischargers whose facilities include multiple industrial activities that are described by multiple Standard Industrial Classification (SIC) Codes are authorized to file a single set of PRDs for coverage under this General Permit, provided that the SWPPP and monitoring program address each industrial activity.
7. Dischargers who file a No Exposure Certification (NEC) in accordance with the provisions set forth in Section XXI, and obtain approval for the NEC, shall not file PRDs unless the NEC is rejected by the Regional Board.
8. Any information provided to the Regional Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States; any information that does not comply should not be submitted. Dischargers must electronically file the PRDs, and mail the appropriate annual fee to the State Water Board.

9. This General Permit is effective on XX, XX, 20XX.

Q. Existing Dischargers Covered Under 97-03-DWQ

1. During the period this General Permit is subject to review by the U.S. EPA, the previous permit (State Water Board Order No 97-03-DWQ) remains in effect. Existing dischargers subject to the previous permit will continue to be covered under State Water Board Order No. 97-03-DWQ until this General Permit takes effect on XX, XX, 20XX. After XX, XX, 20XX, all NOIs subject to State Water Board Order No. 97-03-DWQ will become administratively expired and effectively terminated. Upon termination, existing dischargers shall obtain coverage under this General Permit by filing new PRDs pursuant to the provisions of Section II.B.
2. Existing dischargers are deemed covered by this General Permit upon receipt of a Waste Discharger Recertification notification sent electronically by (SMARTS). In order to demonstrate compliance with this General Permit, the discharger must present documentation of a valid Waste Discharger Recertification notification upon demand.
3. Existing dischargers shall revise and implement necessary revisions to their SWPPP and Monitoring Program in accordance with Section VIII. Revisions shall be made in a timely manner but no later than ninety (90) days [insert adoption date of permit] after adoption of this General Permit. Dischargers shall continue to implement their existing SWPPP and Monitoring Program and Reporting Requirements in compliance with State Water Board Order No. 97-03-DWQ until the necessary revisions are completed in accordance with the schedule above.
4. Existing dischargers who file (by mail or electronically) a Notice of Termination prior to XX, XX, 20XX, are not required to obtain coverage under this General Permit.

R. New Dischargers Obtaining Coverage On or After XX, XX, 20XX:

1. Dischargers of industrial facilities that obtain coverage on or after the effective date of this General Permit shall electronically file their PRDs seven days prior to the operation of industrial activity.
2. General Permit coverage shall not commence until the PRDs and the annual fee are received by the State Water Board, and a WDID number is assigned and notification sent by SMARTS. In order to demonstrate compliance with this General Permit, the discharger must present documentation of a valid WDID by presenting the notification upon demand.

S. Termination of Coverage

1. Dischargers shall request termination of their coverage under this General Permit when their facility is no longer required to be permitted. Dischargers shall electronically complete and file a Notice of Termination (NOT) using

2. Dischargers whose facilities qualify for the Conditional Exclusion from permitting in accordance with Section XXI and who file a No Exposure Certification (NEC) are not required to file an NOT for that facility.
3. Upon request by the Regional Water Board, dischargers shall provide additional information supporting the NOT. Should the Regional Water Board deny approval of the NOT, dischargers shall continue to comply with the requirements of this General Permit.
4. Dischargers are responsible for unpaid annual fees that accrue prior to NOT denial.

III. DISCHARGE PROHIBITIONS

A. All discharges of storm water are prohibited except as specifically authorized by this General Permit or another NPDES permit.

B. Except as provided in Section IV. Non-Storm Water Discharges, discharges of liquids or materials other than storm water (non-storm water discharges), either directly or indirectly to waters of the United States, are prohibited. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit.

C. Storm water discharges and authorized non-storm water discharges shall not contain pollutants that cause or threaten to cause pollution, contamination, or nuisance as defined in California Water Code Section 13050.

D. Dischargers shall not violate any discharge prohibitions contained in applicable Basin Plans or statewide water quality control plans. Waste discharges to Areas of Special Biological Significance are prohibited by the California Ocean Plan unless granted an exception issued by the State Water Board.

IV. NON-STORM WATER DISCHARGES

A. The following non-storm water discharges are authorized provided they satisfy the conditions of Section IV.B:

1. Fire-hydrant and fire prevention or response system flushing;
2. Potable water sources, including potable water related to the operation, maintenance, or testing of potable water systems;
3. Drinking fountain water; atmospheric condensate, including refrigeration, air conditioning, and compressor condensate;
4. Irrigation drainage and landscape watering;
5. Natural springs, ground water, and foundation and footing drainage; and

6. Seawater infiltration where the seawater is discharged back into the seawater source.

B. The non-storm water discharges identified in Section IV.A are authorized by this General Permit only if all the following conditions are satisfied:

1. The non-storm water discharges are not in violation of any Regional Water Board requirement;
2. The non-storm water discharges are not in violation of any municipal agency ordinance or requirement;
3. Dischargers include facility-specific BMPs in the SWPPP to:
 - a. prevent or reduce the contact of non-storm water discharges with significant materials or equipment; and
 - b. minimize, to the extent practicable, the flow or volume of non-storm water discharges.
4. The non-storm water discharges do not contain quantities of pollutants that may cause or contribute to an exceedance of a WQSS;
5. Dischargers include in the SWPPP quarterly visual inspections of non-storm water discharges and sources to ensure adequate BMP implementation and effectiveness; and
6. Dischargers report and describe all non-storm water discharges in their Annual Reports.

C. Fire fighting related discharges that are not contained are not subject to this General Permit and are not subject to the conditions of Section IV.B. Fire fighting related discharges that are contained and are later discharged may be subject to municipal agency ordinances and/or Regional Water Board requirements.

V. EFFLUENT LIMITATIONS

A. Storm water discharges from facilities subject to storm water effluent limitations guidelines in federal regulations (40 C.F.R. Subchapter N) shall not exceed those effluent limitations. The effluent limitation guidelines for storm water discharges subject to Subchapter N are found in Attachment H.

B. Storm water discharges and authorized non-storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 C.F.R. Part 117 and/or CFR Part 302.

C. Numeric Action Levels (NALs), found in Table 4, are derived from the US EPA Multi-Sector General Permit's benchmarks, and are used as numeric thresholds for corrective action. Exceedances of an NAL are not a violation of this General Permit.

D. Dischargers in Corrective Action Level 3 (Section XVII.D) are subject to a numeric effluent limitation (NEL) that will be the same numeric value as the applicable pollutant NAL. A daily average exceedance of the NEL is a violation of this General Permit and may subject the discharger to mandatory minimum penalties.

E. Compliance Storm Event

1. This General Permit establishes a 10-year, 24-hour (expressed in inches of rainfall) Compliance Storm Event for Total Suspended Solids. In addition, all treatment BMPs for any other pollutants shall be designed for no less than a 10-year, 24-hour storm event. Storm event (expressed in inches of rainfall) can be determined by using these maps:

<http://www.wrcc.dri.edu/pcpnfreq/nca10y24.gif>

<http://www.wrcc.dri.edu/pcpnfreq/sca10y24.gif>

2. Compliance storm event verification shall be done by reading an on-site rain gauge.
3. The 10 year, 24-hour compliance storm event standard does not supercede any storm water effluent limitation guidelines in 40 CFR Subchapter N

VI. RECEIVING WATER LIMITATIONS

A. The discharger shall ensure that storm water discharges and authorized non-storm water discharges do not contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives or water quality standards (collectively, WQS) contained in a Statewide Water Quality Control Plan, the California Toxics Rule, the National Toxics Rule, or the applicable Regional Water Board's Water Quality Control Plan (Basin Plan).

B. The discharger shall ensure that storm water discharges and authorized non-storm water discharges to any surface or ground water do not adversely affect human health or the environment.

C. The discharger shall ensure that storm water discharges and authorized non-storm water discharges to any surface or groundwater do not contain pollutants in quantities that threaten to cause pollution or a public nuisance.

D. Dischargers located within the watershed of a CWA § 303(d) impaired water body, for which a TMDL has been approved by the U.S. EPA, shall comply with the approved TMDL if it identifies "industrial activity" or industrial-related activities as a source of the pollution.

VII. TRAINING QUALIFICATIONS AND CERTIFICATION

A. General

1. The discharger shall appoint a Qualified SWPPP Developer (QSD) to prepare, write, and make any revisions to the SWPPP, and appoint a Qualified SWPPP Practitioner (QSP) to help implement the SWPPP.
2. The discharger shall ensure that all QSDs and QSPs are appropriately trained in accordance with this Section. QSDs responsible for preparing and amending SWPPPs shall comply with the requirements in Section VIII.
3. In the Annual Reports, the discharger shall document all of the training that the QSDs and QSPs have received.

B. SWPPP Certification Requirements

1. Qualified SWPPP Developer:
 - a. The discharger shall ensure that the SWPPP is written, amended and certified by a Qualified SWPPP Developer (QSD).
 - b. A QSD shall have one of the following registrations for certifications, and appropriate experience, as required for:
 - i. A California registered professional civil engineer;
 - ii. A California registered professional geologist or engineering geologist;
 - iii. A California registered landscape architect;
 - iv. A professional hydrologist registered through the American Institute of Hydrology;
2. The discharger shall ensure that the QSD successfully completes the State Water Board-sponsored or approved QSD training course within one year after the effective date of this General Permit.
 - a. The discharger shall ensure that the QSD signs the SWPPP and each amendment or revision.
 - b. The discharger shall list the name and telephone number of the currently designated QSD(s) in the SWPPP.
3. Qualified SWPPP Practitioner:

The discharger shall ensure that the SWPPP's BMPs and monitoring requirements are implemented by a Qualified SWPPP Practitioner (QSP). The discharger shall ensure that the QSP successfully completes the State Water Board-sponsored or approved QSP training course within one year from the effective date of this General Permit.

VIII. STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS

A. SWPPP Elements

1. Dischargers shall develop and implement a facility-specific SWPPP for each industrial facility covered by this General Permit.

The SWPPP shall contain the following elements (see also Attachment E):

- a. Facility name and contact information
- b. Contact information of all consultants and individuals who will be assisting the Qualified SWPPP Developer and Qualified SWPPP Practitioner.
- c. Facility Site Map
- d. List of Significant Materials
- e. Description of Potential Pollution Sources
- f. Assessment of Potential Pollutant Sources
- g. Minimum BMPs
- h. Additional facility-specific BMPs
- i. Annual Comprehensive Site Compliance Evaluation
- j. The date the SWPPP was initially prepared, and the date of each SWPPP amendment, if applicable.

B. Implementation Schedule

A SWPPP shall be developed and implemented in accordance with the following schedule:

1. New dischargers submitting permit applications on or after the effective date of this General Permit shall develop and implement the SWPPP when industrial activities begin or when the discharger changes (e.g. change of operator)..
2. Existing dischargers with permit coverage under State Water Board Order No. 97-03-DWQ, shall continue to implement their existing SWPPP and shall implement any necessary revisions to their SWPPP no later than ninety (90) days [insert date of adoption] after the adoption of the General Permit.

C. SWPPP Performance Standards

1. Dischargers shall ensure that the QSD prepares and that the QSP implements a SWPPP to achieve the following performance standards:
 - a. Identify and evaluate all sources of pollutants that may affect the quality of a facility's storm water discharges and authorized non-storm water discharges;

- b. Identify, describe, and implement the minimum BMPs as required in Section VIII.H.1 and additional facility-specific BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. BMPs shall be selected to achieve BAT/BCT and compliance with WQSs;
 - c. Identify and implement timely revisions and/or updates to the SWPPP; and
 - d. For Level 3 facilities, the dischargers shall ensure the SWPPP meets all applicable NELs.
 2. To achieve the SWPPP performance standards, dischargers shall prepare facility-specific SWPPPs in accordance with all applicable SWPPP requirements of this Section. A paper copy of the SWPPP shall be maintained at the facility.
 3. Erosion and sediment BMPs to control the discharge of sediment shall be designed for no less than a 10-year, 24-hour (expressed in inches of rainfall) Compliance Storm Event. In addition, all treatment BMPs for any other pollutants shall be designed for no less than a 10-year, 24-hour storm event.

D. Planning and Organization

1. SWPPP Checklist

Upon completing the facility's SWPPP, dischargers shall prepare the SWPPP Compliance Checklist (Attachment E). This checklist lists the SWPPP requirements of this section. For each requirement listed, dischargers shall identify the page number(s) where the requirement is located in the SWPPP (or the title, page number(s), and location of any reference documents), the implementation date or last revision date, and SWPPP requirements that may not be applicable to the facility. Dischargers shall attach the completed checklist to the SWPPP and submit the checklist as part of the PRDs.

2. Pollution Prevention Team

Dischargers shall include the following items in the SWPPP:

- a. The names and titles of "specific individuals or the positions within the facility organization" (team members) that assist the QSD/QSP to implement the SWPPP and conducting all monitoring requirements required in Section IX.
- b. The responsibilities, duties, and activities of each of the team members.
- c. The procedures that shall be implemented to identify alternate team members to implement the SWPPP and monitoring

requirements when the regularly assigned team members are temporarily unavailable (due to vacation, illness, out of town business, etc.).

3. Review Other Requirements and Existing Facility Plans

- a. Dischargers shall ensure that the SWPPP is developed, implemented, and revised as necessary to be consistent with any applicable municipal, state, and federal requirements that pertain to the requirements of this General Permit. For example, a municipal storm water management agency may require specific BMP implementation activities.
- b. Dischargers may incorporate or reference the elements of existing plans, procedures, or regulatory compliance documents that contain storm water-related BMPs or otherwise relate to the requirements of this General Permit. For example, dischargers whose facilities are subject to Federal Spill Prevention Control and Countermeasures requirements should already have instituted a plan to control spills of certain hazardous materials. Similarly, dischargers whose facilities are subject to regional air quality emission controls may already have evaluated and are controlling industrial-related emissions.

E. Facility Map

Dischargers shall prepare a facility map. The facility map shall include notes, legends, north arrow, and other data as appropriate to ensure that the facility map is clear and understandable. If necessary, dischargers may provide the required information on multiple facility maps. Dischargers shall include the following information on the facility map:

1. The facility boundary, storm water drainage areas within the facility boundary, and portions of any drainage area impacted by discharges from surrounding areas. Include the flow direction of each drainage area; on-facility surface water bodies; areas of soil erosion; and location(s) of nearby water bodies (such as rivers, lakes, wetlands, etc.) or municipal storm drain inlets that may receive the facility's storm water discharges and authorized non-storm water discharges.
2. The location of the storm water collection and conveyance system, associated points of discharge, and direction of flow. Include any structural control measures that affect storm water discharges, authorized non-storm water discharges, and run-on. Examples of structural control measures are catch basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, etc.
3. Identification of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures.

4. Locations where materials are directly exposed to precipitation and the locations where significant spills or leaks identified in Section VIII.G.4 have occurred.
5. Areas of industrial activity. Identify all storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and reusing areas, and other areas of industrial activity which may have potential pollutant sources.

F. List of Significant Materials

Dischargers shall prepare a list of significant materials handled and stored at the facility and shall describe the locations where each material is stored, received, shipped, and handled, as well as the typical quantities and handling frequency. Materials shall include raw materials, intermediate products, final or finished products, recycled materials, and waste or disposed materials.

G. Description of Potential Pollutant Sources

1. Industrial Processes

The SWPPP shall describe each industrial process including the manufacturing, cleaning, maintenance, recycling, disposal, or other activities related to the process. Include the type, characteristics, and approximate quantity of significant materials used in or resulting from the process. Areas protected by containment structures and the corresponding containment capacity shall be identified and described.

2. Material Handling and Storage Areas

The SWPPP shall describe each handling and storage area, including the type, characteristics, and quantity of significant materials handled or stored; the shipping, receiving, and loading procedures; the spill or leak prevention and response procedures; and the areas protected by a containment structure and the corresponding containment capacity.

3. Dust and Particulate Generating Activities

The SWPPP shall describe all industrial activities that generate dust or particulate pollutants that may be deposited within the facility's boundaries, including discharge locations and the type, characteristics, and estimated quantity of dust and particulate pollutants that may be deposited within the facility's boundaries. Identify the primary areas of the facility where dust and particulate pollutants would settle.

4. Significant Spills and Leaks

- a. Identify and describe materials that have spilled or leaked in significant quantities in storm water discharges or non-storm water discharges within the previous five-year period. Include toxic chemicals (listed in 40 C.F.R., Part 302) that have been discharged to storm water as reported on US EPA Form R and oil and hazardous substances in excess of reportable quantities (see 40 C.F.R., Parts 110, 117, and 302).
- b. The description shall include the location, characteristics, and approximate quantity of the materials spilled or leaked, the cleanup or remedial actions that have occurred or are planned, the approximate remaining quantity of materials that may be exposed to storm water or non-storm water discharges, and the preventative measures taken to ensure spills or leaks of the material do not recur.

5. Non-Storm Water Discharges

- a. Dischargers shall inspect the facility to identify all non-storm water discharges, sources, and drainage areas. All drains (inlets and outlets) shall be evaluated to identify whether they connect to the storm drain system.
- b. All non-storm water discharges shall be described. This shall include the source, quantity, frequency, and characteristics of the non-storm water discharges and associated drainage area.
- c. For each non-storm water discharge described above, identify whether the discharge is an authorized or unauthorized non-storm water discharge in accordance with Section IV. Examples of common unauthorized non-storm water discharges are rinse and wash water (whether detergents are used or not), contact and non-contact cooling water, and boiler blow-down.

6. Erodible Surfaces

The SWPPP shall describe the facility locations where soil erosion may be caused by industrial activity, contact with storm water or authorized non-storm water discharges, or from run-on from surrounding areas of the facility.

7. Assessment of Potential Pollutant Sources

- a. Dischargers shall include in the SWPPP a narrative assessment of all areas of industrial activity and potential industrial pollutant sources as described in Section VIII.G to determine: (1) which areas of the facility are likely sources of pollutants in storm water discharges and authorized non-storm water discharges, and (2) which pollutants are likely to be present in storm water discharges

and authorized non-storm water discharges. At a minimum, dischargers shall consider:

- i. The quantity, physical characteristics (liquid, powder, solid, etc.), and locations of each significant material handled, produced, stored, recycled, or disposed.
 - ii. The degree pollutants associated with those materials are exposed to and mobilized by contact with storm water.
 - iii. The direct and indirect pathways that pollutants may be exposed to storm water or authorized non-storm water discharges. This shall include an assessment of past spills or leaks, non-storm water discharges, and discharges from adjoining areas.
 - iv. Sampling, visual monitoring, and inspection records.
 - v. Effectiveness of existing BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges.
- b. Based upon the assessment above, the discharger shall identify any areas of the facility where additional BMPs are necessary to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges.

H. Best Management Practices (BMPs)

Dischargers shall implement all minimum BMPs in Section VIII.H.1 and identify, describe and implement appropriate facility-specific BMPs as required in Section VIII.H.2, which will reduce or prevent pollutants in storm water discharges to achieve compliance with BAT/BCT and with WQSs.

1. Minimum BMPs

Dischargers shall implement the minimum BMPs described below throughout their facilities unless clearly inapplicable to the facility. If any of the minimum BMPs are not applicable to the facility, dischargers shall explain in their SWPPP why the minimum BMPs are inapplicable. Dischargers have the burden to prove inapplicability. Dischargers may use alternative BMPs instead of the minimum BMPs only if the dischargers provide specific justification in their SWPPP explaining why the minimum BMPs cannot be implemented, and what alternative BMPs shall be implemented that will reduce or prevent pollutants in storm water discharges at least to the same degree. Dischargers have the burden to show that its alternative BMPs are at least as effective as the minimum BMPs.

a. Good Housekeeping

- i. Inspect weekly all outdoor areas associated with industrial activity, storm water discharge locations, drainage areas, conveyance systems, waste handling/disposal areas, and perimeter areas impacted by off-facility materials or storm water run-on to determine housekeeping needs. Any identified debris, wastes, and spilled, tracked, or leaked materials shall be cleaned and disposed of properly. Weekly inspections may be suspended during periods when there is no outdoor exposure of industrial activities or materials. If a different inspection schedule is prescribed by regulation for a particular facility or type of facilities (such as closed landfills) the schedule can be adjusted to follow the applicable regulation;
- ii. Implement BMPs to reduce or prevent material tracking;
- iii. Implement BMPs to ensure that all facility areas impacted by rinse/wash waters are cleaned as soon as possible;
- iv. Cover all stored industrial materials that can be readily mobilized by contact with storm water;
- v. Contain all stored non-solid industrial materials (such as liquids and powders) that can be transported or dispersed via wind dissipation or contact with storm water;
- vi. Prevent disposal of any rinse/wash waters or industrial materials into the storm drain system; and
- vii. Divert storm water or authorized non-storm water flows from non-industrial areas (such as employee parking) from contact with industrial areas of the facility. Flows from non-industrial areas that contact industrial areas of the facility are subject to this General Permit's requirements.

b. Preventative Maintenance

Preventative maintenance, including material handling and waste management, generally addresses the procedures necessary to minimize the potential for spills and leaks during material handling and to minimize exposure of materials that can be mobilized by contact with storm water or transported via wind erosion during material handling.

Preventative maintenance BMPs generally include the regular inspection and maintenance of facility equipment and systems used outdoors (such as forklifts, process machinery, storage containers, etc) to prevent spills and leaks from occurring due to age, use, malfunction, or damage. Dischargers shall:

- i. Identify all equipment and systems used outdoors that may spill or leak pollutants;
- ii. Inspect weekly each of the identified equipment and systems to detect leaks or identify conditions that may result in the

development of leaks. Weekly inspections may be suspended during periods when there is no outdoor exposure of the equipment and systems;

- iii. Establish a schedule to perform maintenance of identified equipment and systems. The schedule shall either be periodic or based upon more appropriate intervals such as hours of use, mileage, age, etc; and
- iv. Establish procedures for prompt maintenance and repair of equipment and systems when inspections detect leaks or when conditions exist that may result in the development of spills or leaks.

c. Spill Response

Procedures generally address incidents of spills or leaked material based upon the quantities and locations of significant materials that may spill or leak. Dischargers shall:

- i. Develop and implement spill response procedures. Spill response shall be designed to prevent spilled materials from discharging from the facility via the storm drain system. Spilled materials shall be cleaned promptly and disposed of properly;
- ii. Identify and describe all necessary and appropriate spill response equipment, location of spill response equipment, and spill response equipment maintenance procedures; and
- iii. Identify and train appropriate spill response personnel.

d. Material Handling and Waste Management

Dischargers shall:

- i. Prevent or minimize handling of materials or wastes that can be readily mobilized by contact with storm water during a storm event;
- ii. Contain non-solid materials or wastes that can be dispersed via wind erosion during handling;
- iii. Cover waste disposal containers when not in use;
- iv. Clean all spills of materials/wastes that occur during handling in accordance with the spill response procedures required in Section VIII.H.1.c; and
- v. Inspect and clean daily any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial materials or wastes.

e. Employee Training Program

Dischargers shall ensure that all necessary personnel responsible for implementing the various compliance activities of this General

Permit, including BMP implementation, inspections and evaluations, monitoring activities, and storm water compliance management are adequately trained. Dischargers and/or their QSP shall:

- i. Prepare or acquire appropriate training manuals or training materials;
 - ii. Identify which personnel shall be trained, their responsibilities, and the type of training they shall receive;
 - iii. Provide a training schedule; and
 - iv. Maintain documentation of all completed training classes and the personnel who received training.
- f. Record Keeping and Quality Assurance

Dischargers shall ensure compliance activities are completed properly and documented.

- i. Dischargers shall keep and maintain records of inspections, spills, BMP related maintenance activities, corrective actions, visual monitoring, visual inspections, etc. for five years.
- ii. Dischargers shall develop and implement management procedures to ensure that the appropriate staff implements all elements of the SWPPP and Monitoring Program.

g. Erosion and Sediment Controls

Typically includes practices to prevent erosion from occurring. This includes the planting and maintenance of vegetation to stabilize the ground, diversion of run-on and runoff away from areas subject to erosion, etc. Sediment control includes practices to reduce the discharge of sediment once erosion has occurred. Such practices can include sedimentation ponds, silt screens, etc. For each facility location identified in Section XIII.G.6, dischargers shall:

- i. Implement effective wind erosion controls
- ii. Provide effective stabilization for inactive areas and all finished slopes, and utility project backfill prior to an anticipated storm event.
- iii. Maintain effective perimeter controls and stabilize all site entrances and exits to sufficiently control discharges of erodible materials from discharging or being tracked off the site.
- iv. At sites where sediment basins are used, dischargers shall, at a minimum, design sediment basins according to the method provided in CASQA's Industrial and Commercial BMP

Guidance Handbook and satisfy the 10 year, 24-hour compliance storm event requirement.

- v. Effectively manage all run-on, and all runoff within the site and all runoff that discharges off the site. Run-on from off-site shall be directed away from all disturbed areas and stock piled materials, or shall collectively not exceed the NALs in this General Permit.
- vi. Implement any additional erosion/sediment controls at these identified areas; and
- vii. Maintain erosion/sediment controls to achieve optimal performance during storm events.

h. Visual Inspections

Periodic visual inspections of a facility are necessary to ensure that the SWPPP addresses any significant changes to the facility's operations or BMP implementation procedures. Dischargers shall:

- i. During each reporting year, conduct a minimum of one visual inspection per quarter of all areas of industrial activity and associated potential pollutant sources. The Annual Comprehensive Facility Compliance Evaluation described in Section VIII.I may substitute for one of the quarterly inspections;
- ii. Implement any corrective actions and/or SWPPP revisions resulting from the inspection;
- iii. Prepare a summary and status of the corrective actions and SWPPP revisions resulting from the quarterly inspections. This summary shall be reported in the Annual Report; and
- iv. Certify in the Annual Report that each quarterly visual inspection was completed

2. Facility-Specific BMPs

The BMPs listed in VIII.H.1 are the minimum BMPs that are required for all facilities. Based upon the potential pollutant source assessment required in Section VIII.G, dischargers shall identify and implement additional facility-specific BMPs necessary to reduce or prevent pollutants in storm water discharges to achieve compliance with BAT/BCT and with water quality standards.

3. BMP Descriptions

Dischargers shall include in the SWPPP a narrative description of each BMP implemented at the facility that includes:

- a. The type of pollutants the BMP is designed to reduce or prevent;

- b. The frequency, time(s) of day, or conditions when the BMP is scheduled for implementation;
- c. The locations within each area of industrial activity or industrial pollutant source where the BMP shall be implemented;
- d. The identity of the individual and/or position responsible for implementing the BMP;
- e. The procedures (including maintenance procedures) and/or instructions to implement the BMP; and
- f. The equipment and tools necessary to implement the BMP.

4. BMP summary

Dischargers shall prepare a table summarizing each identified area of industrial activity, the associated industrial pollutant sources, industrial pollutants, and BMPs. Dischargers shall prepare this table similar to the example provided in Fact Sheet Figure 2.

I. ANNUAL COMPREHENSIVE FACILITY COMPLIANCE EVALUATION (ACFCE)

Dischargers shall conduct one comprehensive facility compliance evaluation (evaluation) in each reporting period (July 1-June 30). Either the QSD or QSP shall conduct and certify the ACFCE. Dischargers shall schedule the next ACFCE a minimum of eight months from the previous ACFCE. Dischargers shall revise the SWPPP, as appropriate, and implement the revisions within 90 days of the evaluation. Dischargers shall include the following items in their evaluations:

- 1. A review of all visual inspection and monitoring records, and sampling and analysis results conducted during the previous four quarters.
- 2. A visual inspection of all areas of industrial activity and associated potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system. A visual inspection of equipment needed to implement the SWPPP.
- 3. A review and evaluation of all BMPs for each area of industrial activity and associated potential pollutant sources to determine whether the BMPs are properly designed, implemented, and are effective in reducing and preventing pollutants in storm water discharges and authorized non-storm water discharges.
- 4. An evaluation report that includes:
 - a. The name of the QSD/QSP performing the evaluation;

- b. Date(s) of the evaluation;
- c. Summary and implementation dates of all significant corrective actions and SWPPP revisions for the reporting year;
- d. Schedule for implementing any incomplete corrective actions and SWPPP revisions;
- e. Any incidents of non-compliance and the corrective actions taken;
- f. A certification of compliance with this General Permit. If the certification cannot be provided, dischargers shall explain in the evaluation report why General Permit compliance has not been attained; and
- g. The evaluation report shall be submitted as part of the Annual Report, retained for at least five years, and signed and certified in accordance with Standard Conditions found in Section XXVII.J dischargers shall prepare the evaluation report using the standardized format and checklists included in the Annual Report forms in SMARTS.

IX. MONITORING REQUIREMENTS

A. Implementation Schedule

The monitoring requirements of this section shall be implemented for each facility covered by this General Permit in accordance with the following schedule:

- 1. New dischargers submitting permit applications on or after the effective date of this General Permit shall implement the monitoring requirements when industrial activities begin or when the facility changes dischargers.
- 2. Existing dischargers with permit coverage under State Water Board Order No. 97-03-DWQ shall continue to implement their existing monitoring requirements and implement the new monitoring requirements no later than the effective date [insert effective date] of this General Permit.

B. Non-Storm Water Discharges Visual Monitoring

- 1. Dischargers shall visually monitor each drainage area for:
 - a. The presence or indications of prior non-storm water discharges (NSWD);
 - b. Unauthorized non-storm water discharges and their sources; and
 - c. Authorized non-storm water discharges and their sources.

2. Except as provided for storage and containment, non-storm water discharge (NSWD) visual monitoring shall be conducted quarterly. Quarters are as follows:
 - 1st Quarter = January, February, and March
 - 2nd Quarter = April, May, June
 - 3rd Quarter = July, August, September
 - 4th Quarter = October, November, December
3. Dischargers shall not conduct quarterly NSD visual monitoring more than 16 weeks apart. NSD visual monitoring shall be conducted during daylight hours, on days without precipitation, and during scheduled facility operating hours.
4. While conducting NSD visual monitoring, dischargers shall document the presence or indication of any non-storm water discharge, pollutant characteristics (floating and suspended material, oil and grease, discoloration, turbidity, odor, etc.), and source.

C. Storm Water Discharges Visual Monitoring

1. Dischargers shall visually monitor storm water discharges from the first qualifying storm event of each month. Visual monitoring shall occur at all discharge locations during the first four hours after a determination that the discharge is from a qualifying storm event. As related to visual monitoring, a qualifying storm event is one that:
 - a. Has produced a minimum of $\frac{1}{4}$ inch of rainfall as measured by an on-site rainfall measurement device, and;
 - b. Was preceded by two consecutive days of dry weather. Dry Weather shall be defined as two consecutive days of combined rainfall of less than $\frac{1}{8}$ inch as measured by an on-site rainfall measurement device.
2. Dischargers shall visually observe the discharge of stored or contained storm water at the time of discharge during scheduled facility operating hours².
3. For the visual monitoring described in Section IX.B and Section IX.C, dischargers shall observe the presence or absence of floating and suspended materials, oil and grease, discolorations, turbidity, odors, trash/debris, and source(s) of any observed pollutants.
4. Prior to any anticipated storm event, dischargers shall visual observe any storm water storage and containment areas to detect leaks, contamination, and ensure maintenance of adequate freeboard.

5. Prior to completing the monthly visual monitoring required in Subsection C.1, dischargers shall record any storm events that occurred of less than $\frac{1}{4}$ inch or more than $\frac{1}{4}$ inch but that did not produce a discharge.
6. Prior to any anticipated storm event, dischargers shall visually observe all storm water drainage areas during operating hours to identify any spills, leaks, or uncontrolled pollutant sources and implement appropriate BMPs. Pre-storm visual monitoring are only required during scheduled facility operating hours.
7. Dischargers shall maintain records of all visual monitoring, The records will include the visual monitoring dated and time, locations monitored, name of person who conducted monitoring, and any corrective actions and/or SWPPP revisions necessary in response to the visual monitoring .

X. SAMPLING and ANALYSIS REQUIREMENTS

A. All dischargers (including dischargers Subject to Level 1 Corrective Actions) shall collect storm water samples from the first qualifying storm event of each calendar quarter. Dischargers who fail to sample the first qualifying storm event of a quarter shall sample the following qualifying storm events that occur during the quarter. The discharger shall document in the annual report the reasons for failing to sample required qualifying storm events.

B. Dischargers Subject to Level 2 Corrective Actions shall collect samples from the first 2 qualifying storm events each quarter.

C. Dischargers Subject to Level 3 Corrective Actions (NELs) shall collect samples from each and every qualifying storm event in a quarter.

D. The quarters are as follows:

1st Quarter = January, February, and March

2nd Quarter = April, May, June

3rd Quarter = July, August, September

4th Quarter = October, November, December

E. A qualifying storm event is a discharge of storm water that occurs

1. From a storm event that has produced a minimum of $\frac{1}{4}$ inch of rainfall as measured by an on-site rainfall measurement device, and
2. From a storm event that was preceded by two consecutive days (48 hours) of dry weather. Dry weather shall be defined as two consecutive days (48 hours) of combined rainfall of less than $\frac{1}{8}$ inch as measured by an on-site rainfall measurement device.

F. A discharger shall collect samples from all storm water drainage areas within four hours after a qualified storm event has been determined³. This only applies during scheduled facility operating hours.

G. All discharge locations that discharge storm water associated with industrial activity shall be sampled. Sampling of stored or contained storm water shall occur at the time the stored or contained storm water is discharged. Dischargers who do not collect samples from the first qualifying storm event in any quarter shall collect samples from the next qualifying storm events in that quarter. If no sample is collected in a quarter then an additional storm event shall be sampled the following quarter until four qualifying storm events have been sampled in a reporting year. The discharger shall explain in the Annual Report why sampling of the qualifying storm event did not occur.

H. Dischargers shall analyze samples for:

1. Total suspended solids (TSS), pH, specific conductance (SC), and oil and grease (O&G) (see TABLE 1);
2. Parameters indicating the presence of pollutants identified in the pollutant source assessment required in Section VIII.G.7. Dischargers shall modify these additional parameters in accordance with any updated SWPPP pollutant source assessment;
3. Parameters listed in TABLE 2 “Additional Analytical Parameters.” These parameters are dependent on the facility’s SIC code(s);
4. Parameters indicating the presence of pollutants that may be causing or contributing to an existing exceedance of a water quality standard in the receiving waters. An updated map of the 303(d) listed water bodies and associated impairments for each facility location is available at [INSERT WEBADDRESS];
5. Parameters required by the Regional Water Board; and
6. Parameters for pollutants regulated under the Federal Effluent Limitation Guidelines (40 C.F.R. Sub Chapter N).

³ For example, a discharger leaves the facility Friday at close of business and less than 1/8 of an inch of precipitation was measured within the previous 48 hours. If the discharger comes back to the facility on Monday, and over 1/4 of an inch of rain has occurred over the weekend, then the storm event meets the requirements in this Section , and the discharger must sample within 4 hours on that Monday.

TABLE 1: Test Methods, Detection Limits, and Reporting Units Basic Parameters

Parameter	Units	Numeric Action Level	Lab Method	Detection Limit
pH	pH units	6.0-9.0	Field Test with Calibrated Portable Instrument	
Total Suspended Solids (TSS)	mg/L	100	EPA 160.2 SM2540-D	1.0
Electrical Conductivity (EC)	mg/L	200	Field Test with Calibrated Portable Instrument	1.0
Oil and Grease (O&G)	mg/L	15	EPA 413.2 EPA 1664	1.0

I. Dischargers shall select analytical test methods from the list provided in Table 4 - Parameter NAL Values, Test Methods, Detection Limits, and Reporting Units. Dischargers shall contact the Regional Water Board to determine appropriate analytical methods for parameters not listed on Table 4 and for parameters required pursuant to Subsection F.5.

J. All storm water sample collection, preservation, and handling shall be conducted in accordance with Attachment D, Storm Water Sample Collection and Handling Instructions.

K. Field measurements for pH and TSS shall be performed on each sample collected using a calibrated portable instrument. Dischargers are not allowed to combine samples from different drainage areas prior to field measurements.

XI. SAMPLING ANALYSIS AND REPORTING

The discharger shall electronically report through SMARTS all analytical results within 30 days of obtaining the results. When dischargers are required to report multiple analytical results (applies to facilities with multiple discharge locations), SMARTS will calculate the daily average (DA) for each constituent reported and will determine if any one or more of the NAL Corrective Action Triggers have been met as defined in Section XVII.E. The DA is the sum of the analytical results reported for each constituent divided by the number of reported results.

Specifically, the discharger shall electronically submit the following:

1. The individual field results for pH and Specific Conductance, and;
2. Analytical results from the laboratory for all individual or qualified combined sample results, and;
3. The hardness value of the receiving water(s) as required for dischargers subject to Section XV.

TABLE 2: Additional Analytical Parameters

SIC	SIC Description	Parameters
102X	Copper Ores	COD;N+N
12XX	Coal Mines	Al ;Fe
144X	Sand & Gravel	N+N
207X	Fats & Oils	BOD;COD;N+N
2421	Sawmills & Planning Mills	COD;Zn
2426	Hardwood Dimension	COD
2429	Special Product Sawmills	COD
243X	Millwork, Veneer, Plywood	COD
244X	Wood Containers	COD
245X	Wood Buildings & Mobile Homes	COD
2491	Wood Preserving	As;Cu
2493	Reconstituted Wood Products	COD
263X	Paperboard Mills	COD
281X	Industrial Inorganic Chemicals	Al;Fe;N+N
282X	Plastic Materials, Synthetics	Zn
284X	Soaps, Detergents, Cosmetics	N+N; Zn
287X	Fertilizers; Pesticides, etc.	Fe ;N+N ;Pb ;Zn ;P
301X	Tires, Inner Tubes	Zn
302X	Rubber and Plastic Footwear	Zn
305X	Rubber & Plastic Sealers & Hoses	Zn
306X	Misc. Fabricated Rubber Products	Zn
325X	Structural Clay Products	Al
326X	Pottery & Related Products	Al
3297	Non-Clay Refractories	Al
327X	Concrete, Gypsum, Plaster Products (Except 3274)	Fe
3295	Minerals & Earths	Fe
331X	Steel Works, Blast Furnaces, Rolling & Finishing Mills	Al;Zn
332X	Iron & Steel Foundries	Al;Cu;Fe;Zn
335X	Metal Rolling, Drawing, Extruding	Cu;Zn
336X	Nonferrous Foundries (Castings)	Cu;Zn
34XX	Fabricated Metal Products (Except 3479)	Zn;N+N;Fe;Al
3479	Coating & Engraving	Zn;N+N
4953	Hazardous Waste Facilities	NH3;Mg;COD;As;CN;Pb;HG;Se;Ag
44XX	Water Transportation	Al;Fe;Pb;Zn
45XX	Air Transportation Facilities	BOD;COD;NH3
4911	Steam Electric Power Generating Facilities	Fe
4953	Landfills & Land Application Facilities	Fe
5015	Dismantling or Wrecking Yards	Fe;Pb;Al
5093	Scrap and Waste Materials	Fe;Pb;Al;uZn;COD

TABLE 3: Parameter Descriptions

Ag – Silver	Mg – Mag
Al – Aluminum	N+N - Nitrite & Nitrite Nitrogen
As – Arsenic	NH – Ammonia
BOD – Biochemical Oxygen Demand	NI - Nickel
Cd - Cadmium	P – Phosphorus
CN – Cyanide	Se – Selenium
COD – Chemical Oxygen Demand	TSS – Total Suspended Solids
Cu – Copper	Zn – Zinc
Fe – Iron	Pb - Lead
Hg – Mercury	

TABLE 4: Parameter NAL Values, Test Methods, Detection Limits, and Reporting Units

PARAMETER	TEST METHOD	DETECTION LIMIT	REPORTING UNITS	USEPA NAL VALUE
pH*	EPA 9040 and/or Field Test with Calibrated Paper or Portable Instrument		pH units	6.0-9.0
Suspended Solids (TSS)*, Total	EPA 160.2 SM2540-D	1	mg/L	100
Specific Conductance (S/C)*	EPA 120.1/ SM 2510-B or Field Test with Portable Instrument	1	umhos/cm	200
Oil & Grease (TOG)*, Total	EPA 413.2 or EPA 1664	1	mg/L	15
Organic Carbon(TOC), Total	SM 5310C	0.01	mg/L	110
Zinc, Total (H)	EPA 200.8	0.0005	mg/L	0.26**
Copper, Total (H)	EPA 200.8	0.0005	mg/L	0.0332**
Lead, Total (H)	EPA 200.8	0.0005	mg/L	0.262**
Chemical Oxygen Demand	SM 5220C	1	mg/L	120
Aluminum, Total (pH 6.5-9.0)	EPA 200.8	0.0005	mg/L	0.75
Iron, Total	EPA200.8	0.005	mg/L	1
Nitrate + Nitrite Nitrogen	SM 4500-NO3- E	0.01	mg/L as N	0.68
Total Phosphorus	SM 4500-P B+E	0.05	mg/L as P	2
Ammonia	SM 4500-NH3 B+ C or E	0.1	mg/L	19
Magnesium, total	EPA 200.8	0.0005	mg/L	0.0636
Arsenic, Total (c)	EPA 200.8	0.0005	mg/L	0.16854
Cadmium, Total (H)	EPA 200.8	0.0002	mg/L	0.0053**
Nickel, Total (H)	EPA 200.8	0.0005	mg/l	1.02**
Mercury, Total	EPA 245.1	0.0001	mg/L	0.0024
Selenium, Total	EPA 200.8	0.0005	mg/L	0.2385
Silver, Total (H)	EPA 200.8	0.0002	mg/L	0.0183**
Biochemical Oxygen Demand	SM 5210B	3	mg/L	30

SM – Standard Methods for the Examination of Water and Wastewater, 18th edition

EPA – EPA test methods

* Minimum parameters required by this General Permit

¹ Test methods with lower detection limits may be necessary when discharging to impaired water bodies.

**For dischargers subject to Section XV, the NAL is adjusted for hardness in the receiving water, See

XII. MONITORING METHODS AND EXCEPTIONS

A. Sample Storm Water Discharge Locations

1. Dischargers shall visually observe and collect samples of storm water discharges from all drainage areas associated with industrial activity. The storm water discharge collected and observed shall be representative of the storm water discharge in each drainage area.
2. Dischargers shall identify alternate visual monitoring and sample collection locations if the facility's drainage areas are affected by storm water run-on from surrounding areas. The storm water discharge collected and observed shall be representative of the facility's storm water discharge in each drainage area.
3. If visual monitoring and sample collection locations are difficult to observe or sample (e.g., sheet flow, and submerged discharge outlets), dischargers may identify other alternative locations representative of the facility's storm water discharges.
4. Dischargers shall collect samples from all drainage areas.

B. Qualified Combined Samples

Dischargers may combine samples from as many as four drainage areas if the QSD has certified that the industrial activities within each drainage area and each drainage area's physical characteristics (grade, surface materials, etc.) are substantially similar. Samples shall be combined by the laboratory and not by the discharger

C. Monitoring Methods

1. The discharger shall prepare a Monitoring Implementation Plan (MIP) that includes a description of the following items:
 - a. Visual monitoring locations, visual monitoring procedures, and visual monitoring follow-up and tracking procedures.
 - b. Sampling locations, and sample collection and handling procedures. This shall include detailed procedures for sample collection, storage, preservation, and shipping to the testing lab to assure that consistent quality control and quality assurance is maintained. Dischargers shall attach to the MIP an example Chain of Custody form used when handling and shipping samples.
 - c. Identification of the analytical methods and related method detection limits (if applicable) for each parameter required in Section X.H and X.I.

D. Visual Monitoring and Sample Collection Exceptions

1. Dischargers are not required to collect samples or conduct visual monitoring under the following conditions:
 - a. During dangerous weather conditions such as flooding and electrical storms;
 - b. Outside of scheduled operating hours
2. Dischargers that do not collect the required samples or conduct visual monitorings during any quarter due to these exceptions shall include an explanation in the Annual Report why the sampling or visual monitoring was not conducted. .

XIII.ADDITIONAL SAMPLING REQUIREMENTS FOR FACILITIES WITH SIGNIFICANT LAND DISTURBANCES

A. This Subsection is Applicable to the Following Facilities:

1. Standard Industrial Classification Major Group 14. Mining and Quarrying of Nonmetallic Minerals, Except Fuels. This includes SIC codes:

1411, 1422, 1423, 1429, 1442, 1446, 1455, 1459, 1474, 1475, 1479, 1481, and 1499
2. Standard Industrial Classification Major Group 10. Metal Mining. This includes SIC codes:

1021, 1031, 1041, 1061, 1001, 1094, and 1099
3. Landfills, Land Application Sites, and Open Dumps, SIC code 4953.
4. Other facilities that the Regional Water Boards have determined to conduct industrial activities that result in significant land disturbances.

B. Additional Daily Sampling Requirements

Dischargers subject to this section shall, in addition to the sampling conducted on the first day of a qualifying storm event, collect and analyze samples from all drainage areas subject to land disturbance for each additional day of the storm event. Sampling shall be implemented in accordance with Attachment D Storm Water Sample Collection and Handling Instructions.

C. Exemptions

Dischargers with facilities described in XIII.A.1-4 above, which do not have significant land disturbances, can obtain exemption to the additional daily sampling requirements. Such dischargers shall submit electronically via SMARTS an Additional Sampling Exemption Request (ASER) certified by

both the discharger and the QSD, that describes the industrial activities at the facility and demonstrates that the facility operations do not result in significant land disturbances. Regional Boards may approve or reject an ASER and may request additional supporting documentation.

XIV. FACILITIES SUBJECT TO FEDERAL STORM WATER EFFLUENT LIMITATION GUIDELINES

Dischargers with facilities subject to federal storm water effluent limitation guidelines, in addition to the requirements in Section IX and X, shall:

- A.** Collect and analyze samples quarterly from qualifying storm events for any pollutant specified in the appropriate category of 40 C.F.R. Subchapter N;
- B.** Estimate or calculate the volume of storm water discharges from each drainage area;
- C.** Estimate or calculate the mass of each regulated pollutant as defined in the appropriate category of 40 C.F.R. Subchapter N; and
- D.** Identify the individual(s) performing the estimates or calculations in accordance with subsections B and C above.

XV. Adjustment of NALs/NELs for Hardness Dependent Metals

A. This Subsection Applies to the Following Dischargers:

- 1. Dischargers that operates facilities with direct discharges into Waters of the U.S. that analyze for one or more of the six hardness dependent metals (Cadmium, Copper, Lead, Nickel, Silver, and Zinc), or;
- 2. Dischargers that operate facilities that indirectly discharge to Waters of the U.S. impaired for metals and that are required by the Regional Boards to comply with adjusted NAL/NEL values for one or more hardness dependent metals.

B. Dischargers Subject to This Subsection Shall:

- 1. Determine receiving water hardness in accordance with Attachment I, and;
- 2. Report receiving water hardness along with the analytical results in SMARTS for the required qualifying storm events and;
- 3. Design and implement additional BMPs to further reduce pollutants in storm water discharges to satisfy the adjusted NAL/NEL values. The adjusted NAL/NEL values table is located in Attachment I.

XVI. SAMPLING AND ANALYSIS REDUCTION

A. Other than dischargers subject to Level 3 corrective actions, any discharger is eligible to request a sampling reduction in accordance with the following requirements:

1. The discharger must have sampled ten consecutive quarters in which qualifying storm events occurred;
2. Sampling results from the ten storm events sampled did not meet any of the NAL Corrective Action Triggers in Section XVII.E, and;

B. The discharger has been in full compliance (sampled the first qualifying storm event of each quarter, submitted annual reports by the deadlines, updated the SWPPP and submitted it electronically, etc.) with all other requirements of this General Permit during the same ten consecutive quarters in which samples were collected from qualifying storm events.

C. Dischargers who seek reduced sampling and satisfy the previous requirements shall electronically submit a Sampling Frequency Reduction Request (SFR) into SMARTS. The SFR shall be certified by both the discharger and QSD and shall include documentation that the above conditions have been satisfied.

D. Upon approval by the Regional Water Board, the discharger shall obtain samples from the first qualifying storm event occurring on or after October 1 of the next reporting year. Regional Boards may reject SFRs and may request additional supporting documentation.

XVII. CORRECTIVE ACTIONS

A. The list of the NALs for this General Permit is located in Table 4

B. Level 1 - Operational Source Control Corrective Actions

Upon the first occurrence that sampling results meet any one of the three NAL corrective action triggers set forth below in Section XVII.E, the discharger shall do the following:

1. Evaluate areas of the facility to identify where additional operational source control BMPs and/or SWPPP implementation measures are necessary to prevent or reduce pollutants in storm water discharges in compliance with BAT/BCT;
2. Based upon the above facility evaluation, certify one of the following:
 - a. Pollutant source(s) associated with industrial activity have been identified and additional operational source control BMPs and/or SWPPP implementation measures have been included in the SWPPP in compliance with BAT/BCT. The certification shall include a description of the pollutant source(s) causing the exceedance, a summary of the existing BMPs associated with the pollutant source(s), and a detailed description of the additional

- BMPs and SWPPP implementation measures necessary to comply with BAT/BCT; or
- b. Pollutant source(s) associated with industrial activity have been identified but no additional operational source control BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in storm water discharges in compliance with BAT/BCT. The certification shall include a description of the pollutant sources and a summary of the existing BMPs, and a discussion of possible structural and treatment controls that may be effective in reducing pollutant concentrations before NAL trigger occurs; or
 - c. Pollutant source(s) causing the exceedance of the NAL are not related to the facility's industrial activities and no additional BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in storm water discharges in compliance with BAT/BCT. The certification shall describe the non-industrial related source(s).
3. Implement additional BMPs and SWPPP implementation measures when required pursuant to Section XVII.A.1 and revise the SWPPP, as soon as practicable but no later than October 1 of the following reporting year.
 4. Prepare, and upload into SMARTS no later than the Annual Report due date, a "Level 1 NAL Exceedance Evaluation Report," which includes the following items for each constituent exceeding an NAL at least once during the reporting year:
 - a. A summary of the facility evaluation required in Section XVII.A.1
 - b. The certification required in Section XVII.A.2.
 - c. A description and implementation schedule for additional BMPs and SWPPP revisions that have not been implemented as of the submittal date of the Level 1 NAL Exceedance Evaluation Report.
 5. If the Regional Water Board provides written comments on the Level 1 NAL Exceedance Evaluation Report, the discharger shall, within 30 days of receipt of the Regional Water Board's comments, revise the NAL Exceedance Evaluation Report, SWPPP, and/or monitoring program to address the comments.
 6. No later than 90 days after receiving comments from the Regional Water Board or October 1 of the next reporting period (whichever is later), dischargers shall implement additional BMPs and SWPPP implementation measures, and revise the SWPPP in response to the Regional Water Board comments.

7. Nothing in this section shall prevent the appropriate Regional Water Board from enforcing any provisions of this General Permit while dischargers comply with the above requirements.

C. Level 2 Structural and/or Treatment Corrective Actions

If in any subsequent reporting year the sampling results meet an NAL corrective action trigger, the discharger shall:

1. If the NAL corrective action trigger is for a constituent that had not been included in a previous Level 1 NAL Exceedance Evaluation Report, the discharger shall repeat steps 1 through 6.
2. If the NAL corrective action trigger is for one or more of the constituents previously addressed in a Level 1 NAL Exceedance Evaluation Report, the discharger shall employ a to evaluate and select additional structural source control BMPs and/or treatment BMPs with the goal of achieving the applicable NAL value(s) in future discharges. Treatment BMPs shall be designed for a 10-year 24-hour storm event.
3. Implement additional structural source control BMPs and/or treatment BMPs and revise the SWPPP, as soon as practicable, but no later than October 1 of the following reporting year.
4. Starting October 1 of the following compliance year, the discharger shall sample the first two qualifying storm events per quarter.
5. Prepare, and upload into SMARTS no later than the Annual Report due date, a "Level 2 NAL Exceedance Evaluation Report," which includes the following items:
 6. A description of the additional structural and/or treatment BMPs necessary to reducing pollutants in storm water discharge so that no additional NAL corrective action triggers will be met.
 7. A schedule for completing required structural and/or treatment BMPs If prior to October 1 of the following reporting year.
 8. Dischargers that need additional time beyond October 1 to construct BMPs may electronically submit to SMARTS by October 1 a BMP Implementation Extension Request (BIER) The BIER shall include:
 - a. Reasons why additional time is needed;
 - b. A description of the BMPs subject to the BIER,
 - c. Schedule for implementing the proposed BMPs, and

- d. A description of additional operational source controls and/or temporary treatment/ structural controls that will be implemented while permanent BMPs are being constructed.

All submitted reports described in this subsection must be certified by a California registered professional civil engineer.

9. Regional Boards may approve or deny BIER requests or require additional justification or schedule revisions.
10. Additional NAL corrective action trigger that are met before completion of the treatment/structural control BMPs will not subject the discharger to Level 3 corrective actions.
11. All treatment control BMPs must be designed for a 10 year, 24-hour storm event.

D. Level 3 Imposition of Numeric Effluent Limits

If in any subsequent reporting year the sampling results meet an NAL corrective action trigger for the same constituents subject to the Level 2 corrective actions, the discharger shall:

1. The applicable NAL(s) will become an NEL(s), Effective October 1 of the following compliance year
2. NELs do not apply if the industrial facility receives run-on or atmospheric deposition from a forest fire or any other natural disaster.
3. Starting October 1 of the following compliance year, the discharger shall sample every qualifying storm event.
4. Dischargers subject to the imposition of an NEL(S) may electronically submit to SMARTS a Suspension of Numeric Effluent Limitations (SNEL) request. The SNEL request shall include the following:
 5. Documentation that the discharge either (1) not discharging to an impaired receiving water, (2) discharging to an impaired receiving water but is in compliance with a Regional Board imposed TMDL or waste load allocation, or (3) is not discharging to an impaired water body and will not cause or contribute to an exceedance of a water quality standard.
 6. Documentation that the discharger has fully complied with the Level 1 and 2 corrective action requirements and is implementing BMPs that are in compliance with BAT/BCT.
 7. A description and cost analysis of the additional BMPs that would be required to reduce pollutant in storm water discharge to prevent additional corrective action triggers to be met.

8. A certification by a California registered professional civil engineer.

E. NAL Corrective Action Triggers

1. The Triggers Are defined as follows:
 - a. The Daily Average (DA) for any one constituent exceed the NAL value for two or more storm events of a reporting year, or;
 - b. The DA for any two constituents exceed the NAL values for any single storm event within a reporting year, or;
 - c. The concentration for any one constituent exceeds 2.5 times the NAL value for any one individual or allowable combined sample (or is more than one pH unit outside the NAL pH range)
2. Upon determination by the dischargers or written notification by the Regional Water Board that storm water discharges and/or authorized non-storm water discharges contain pollutants that are in violation of Receiving Water Limitations III.2, dischargers shall implement corrective actions that include:
3. A facility evaluation to determine whether there are pollutant source(s) within the facility that are associated with industrial activity and whether BMPs described in the SWPPP have been properly implemented;
4. An assessment of the facility's SWPPP and implementation to determine whether additional BMPs or SWPPP implementation measures are necessary to prevent or reduce pollutants in storm water discharges to meet Receiving Water Limitations III.2; and
5. A certification by the discharger and QSD, based upon the facility evaluation and assessment required above, that either:
 - a. Additional BMPs and/or SWPPP implementation measures have been identified and included in the SWPPP to meet Receiving Water Limitations III.2, or;
 - b. No additional BMPs or SWPPP implementation measures are required to reduce or; prevent pollutants in storm water discharges to meet Receiving Water Limitations III.2, or;
 - c. There are no sources of the pollutants at the facility.
6. If a certification states that no additional BMPs or SWPPP implementation measures are required to reduce or prevent pollutants in storm water discharges to meet Receiving Water Limitations III.2, the certification must show why the exceedance occurred and why it will not occur again under similar circumstance.

7. Implement additional BMPs and corrective measures as soon as is practicable but, in any event, no later than the time limitations in paragraphs 8-9 below.
8. Prepare and submit a report into SMARTS, within 30 days, which describes the facility evaluation and the BMPs and corrective actions that are currently being implemented to assure compliance with Receiving Water Limitations III.2, and additional BMPs and corrective actions that will be implemented to assure compliance with Receiving Water Limitations III.2. An implementation schedule shall be provided for any additional BMPs or corrective actions not yet implemented as of the completion of the report. The implementation schedule shall not exceed 90 days from the date of the determination of the exceedance of Receiving Water Limitations III.2.
9. Submit into SMARTS any modifications to the report required by the Regional Water Board within 14 days of notification.
10. Within 14 days following approval of the report described above by the Regional Water Board, dischargers shall revise the SWPPP and monitoring program to incorporate the approved BMPs and corrective actions that have been and will be implemented, implementation schedule, and any additional monitoring required.
11. Nothing in this section shall prevent the appropriate Regional Water Board from enforcing any provisions of this General Permit while dischargers prepare and implement the above report.

XVIII. INACTIVE MINING OPERATIONS

Inactive mining operations are defined in Attachment A.3 of this General Permit. Where comprehensive facility compliance evaluations, non-storm water discharge visual monitoring, storm water discharge visual monitoring s, and storm water sampling are impracticable, dischargers of inactive mining operations may instead obtain certification once every three years by a California registered professional civil engineer that an SWPPP has been prepared for the facility and is being implemented in accordance with the requirements of this General Permit. The initial certification shall be uploaded into SMARTS as part of the PRD process, Subsequent certifications shall be uploaded into SMARTS within three years.

XIX. RECORDS

The discharger shall retain, for a period of at least five years, either a written or electronic copy of all storm water monitoring information, records, and reports (including the Annual Reports) required by this General Permit shall be retained.

XX. ANNUAL REPORTING REQUIREMENTS

A. Dischargers shall submit prepare and submit Annual Reports to the Regional Water Board no later than July 15 of each year. For reporting years 20XX-XX ,

dischargers shall submit either paper Annual Reports to the appropriate Regional Water Board with an original signature, or electronic Annual Reports using SMARTS. Paper annual reports must be postmarked by July 15. For the remaining reporting years of the General Permit starting in the 20XX-XX reporting year, dischargers shall electronically submit Annual Reports using SMARTS. Upon written request, dischargers shall provide copies of their Annual Reports to the local agency, State Water Board, or USEPA within ten working days after receiving the request. Each Annual Report shall be certified in accordance with Section XXVII.K.

B. Dischargers shall retain an electronic or paper copy of each Annual Report for a minimum of five years after the date the annual report is filed. Copies of the annual reports shall be available for review during scheduled facility operating hours.

C. The Annual Report shall include a summary and evaluation of all sampling and analysis results, original laboratory reports, the Annual Comprehensive Facility Compliance Evaluation Report required in VIII.I, a summary of all corrective actions taken during the compliance year, identification of any compliance activities or corrective actions that were not implemented, records specified in Sections XIX, and the analytical method, method reporting unit, and method detection limit of each analytical parameter. Analytical results that are less than the method detection limit shall be reported as “less than the method detection limit.”

D. Upon written request by US EPA or a municipal agency in the discharger’s jurisdiction, the discharger shall provide written or electronic copies of the Annual Reports within 10 working days from receipt of the request.

XXI. CONDITIONAL EXCLUSION - NO EXPOSURE CERTIFICATION REQUIREMENTS

Discharges composed entirely of storm water are not storm water discharges associated with industrial activity and are conditionally excluded from implementing BAT/BCT and complying with the SWPPP and monitoring requirements of this General Permit if the following conditions are met: (1) there is “no exposure” of industrial materials and activities to rain, snow, snowmelt, and/or runoff; (2) the discharger prepares and electronically submits an NEC pursuant to the instructions in Attachment C; and (3) the discharger satisfies all other requirements of this Section and Attachment C. Dischargers who do not satisfy all conditional exclusion requirements are required to file PRDs to obtain NPDES permit coverage for their stormwater discharges under this General Permit.

A. Definitions

1. “No Exposure” means that all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.

2. "Industrial materials and activities" include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products.
3. "Material handling activities" include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, or waste product.
4. "Storm-resistant shelters" include completely roofed and walled buildings or structures. They also include structures with only a top cover supported by permanent supports but with no side coverings, provided material within the structure is not subject to wind dispersion (sawdust, powders, etc), track-out, and there is no storm water discharged from within the structure that has come into contact with any materials.

B. Qualifications

To Qualify for a No-Exposure Conditional Exclusion, dischargers shall do the following:

1. Provide a storm-resistant shelter to protect industrial materials and activities from exposure to rain, snow, snowmelt, and/or runoff.
2. Inspect and evaluate the facility annually to determine that storm water exposed to industrial materials or equipment was not and will not be discharged to waters of the United States. Evaluation records shall be maintained for five years.
3. Complete and submit an electronic NEC (Attachment C) certifying that there are no discharges of storm water contaminated by exposure to industrial materials and activities from areas of the facility subject to this General Permit. All new or renewed NECs shall pay an annual fee in accordance with Water Code Section 13260. NECs shall be prepared and submitted in accordance with the:
 - a. The Certification requirements in Section XXI.E.
 - b. NEC submittal schedule in Section XXI.F.
 - c. Instructions and guidance provided in Attachment C.

C. Industrial materials and activities not requiring storm-resistant shelter

To qualify for this exclusion, a storm-resistant shelter is not required for the following:

- a. Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated, do not contain residual industrial materials on the outside surfaces, and

do not leak (“Sealed” means banded or otherwise secured and without operational taps or valves);

- b. Adequately maintained vehicles used in material handling;
- c. Final products, other than products that would be mobilized in storm water discharge (e.g., rock salt);
- d. Any industrial activity and material that is protected by a temporary shelter for a period of not more than 90 days due to facility construction or remodeling; and
- e. Any industrial activity and material that is protected within a secondary containment structure that does not discharge storm water to waters of the United States.

D. Limitations

- a. This conditional exclusion from the requirement for an NPDES permit is available on a facility-wide basis only, not for individual outfalls. If a facility has some discharges of storm water that would otherwise be “no exposure” discharges, dischargers may adjust SWPPP and Monitoring Program compliance activities accordingly.
- b. If circumstances change and industrial materials or activities become exposed to rain, snow, snowmelt, and/or runoff, the conditions for this exclusion no longer apply. In such cases, dischargers becomes subject to enforcement for discharging without a permit. Any conditionally exempt discharger who anticipates changes in circumstances should apply for and obtain permit authorization before anticipated exposure.
- c. The Regional Water Board may deny this exclusion and require NPDES permit coverage upon determining that:
 - i. The discharge is exposed to industrial activity or materials; or
 - ii. The discharge causes, has a reasonable potential to cause, or contributes to an exceedance of an applicable Water Quality Standards.

E. Certification

Dischargers shall submit the following information in an NEC to justify a No Exposure Conditional Exclusion:

- a. The legal name, postal address, telephone number, and e-mail address of the discharger.

- b. The facility business name and physical mailing address, the county name, and a description of the facility location if the facility does not have a physical mailing address.
- c. A certification that none of the following materials or activities are, or will be in the near future, exposed to precipitation:
 - i. Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed;
 - ii. Materials or residuals on the ground or in storm water inlets from spills/leaks;
 - iii. Materials or products from past industrial activity;
 - iv. Material handling equipment (except adequately maintained vehicles);
 - v. Materials or products during loading/unloading or transporting activities;
 - vi. Materials or products stored outdoors (except final products intended for outside use, e.g., new cars, where exposure to storm water does not result in the discharge of pollutants);
 - vii. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers;
 - viii. Materials or products handled/stored on roads or railways owned or maintained by the discharger;
 - ix. Waste material (except waste in covered, non-leaking containers, e.g., dumpsters);
 - x. Application or disposal of processed wastewater (unless already covered by an NPDES permit); and
 - xi. Particulate matter or visible deposits of residuals from roof stacks/vents and evident in the storm water outflow.

F. No Exposure Conditional Exclusion - Form Submittal Schedule

- 1. New dischargers filing NECs on or after the effective date [insert effective date] of this General Permit shall submit their NECs before industrial activities begin and must annually renew their NECs thereafter; and
- 2. Existing dischargers shall submit NECs as follows:
 - a. Dischargers of “light industrial” facilities who have been operating under the original, no-certification-required, permitting exemption shall submit their NECs at any time up to ninety (90) days [insert effective date] after the effective date of this General Permit, and annually renew their NECs thereafter. Such dischargers who have not submitted their NECs or applied for permit coverage within ninety (90) days of General Permit

adoption do not annually renew their NECs thereafter, or apply for permit coverage will be out of compliance and subject to enforcement; or

- b. Dischargers who are permitted under this General Permit and have attained a condition of no exposure may submit their NECs at any time and shall annually renew thereafter. The NEC will serve in lieu of submitting an NOT.

XXII. CONDITIONAL EXCLUSION - NO DISCHARGE CERTIFICATION REQUIREMENTS

A. Dischargers are conditionally excluded from implementing BAT/BCT and complying with the SWPPP and monitoring requirements of this General Permit if there is no discharge to water of the U.S. For the purposes of this section only the definition of no discharge is:

1. The facility is engineered to contain and not subsequently discharge storm water generated by a 100-year 24-hour storm event, or,
2. Based upon its geographic location, storm water discharge from the facility can not discharge to water of the U.S. under any condition.

B. To obtain this conditional exclusion, dischargers shall electronically submit a No Discharge Certification (NDC) in SMARTS and pay the associated NDC fee on an annual basis. Dischargers must annually recertify the NDC and pay an annual fee. The NDC must include documentation that the facility's storm water satisfies the definition of no discharge. The NDC shall be certified by a California registered professional civil engineer. Regional Boards may reject NDCs or require additional supporting documentation. Dischargers of rejected NDCs shall file PRDs for coverage under this General Permit.

XXIII. CONDITIONAL EXCLUSION FOR DISCHARGERS THAT IMPLEMENT GREEN STORM WATER IMPACT REDUCTION TECHNOLOGY (G-SIRT)

Dischargers that design and implement improvements to their facility design that satisfy State Water Board-approved G-SIRT standards (as adopted in this General Permit and listed below) are eligible for conditional exclusion to the SWPPP and monitoring requirements of this General Permit in accordance with the following requirements:

A. The discharger shall electronically submit a G-SIRT certification to the State Board via SMARTS;

B. The certification shall include a comprehensive evaluation report prepared and signed by a California registered professional civil engineer demonstrating facility compliance with the G-SIRT standards;

C. The certification shall include sampling and analysis data and measured storm water discharge volume data from a minimum of 6 consecutive storm events demonstrating compliance with the G-SIRT standards.

D. Dischargers shall provide any additional supporting documentation or implement additional G-SIRT measures in response to Regional Board or State Board comments.

E. G-SIRT Standards: [these are being developed and will be included in the final, adopted language – below are the major categories anticipated]

1. Demonstration of Pollutant Appropriateness for G-SIRT
2. Runoff Volume Reduction (hydrological analysis, etc.)
3. Pollutant Mass Loading Reduction
4. California Registered Professional Civil Engineer Certification
5. Monitoring Plan

Upon approval by the State or Regional Board that the above requirements have been satisfied, Dischargers are conditionally excluded from complying with the SWPPP and monitoring requirements of this General Permit. Dischargers shall annually re-certify that their facilities continue to operate in compliance with the G-SIRT standards.

XXIV. PLASTIC MATERIALS: SPECIAL REQUIREMENTS

Facilities that handle pre-production plastic pellets are required to implement best management practices to eliminate discharges of plastic in storm water. Examples of plastic material required to be addressed as storm water pollutants include plastic resin pellets, powders, flakes, additives, regrind, scrap, waste and recycling.

XXV. REGIONAL WATER BOARD AUTHORITIES

A. Regional Water Boards may review a discharger's permit application and administratively reject/accept permit coverage of applications that are incomplete or require formal Regional Water Board permit application approval.

B. Regional Water Boards shall review comments that the public provides on new permit applications within the ninety (90) day public review period. Based upon the public comments received and their review of the permit application submittals, Regional Water Boards may take action that includes rescinding permit coverage, requiring public hearings and formal Regional Water Board permit approvals, requesting dischargers to revise their SWPPP and Monitoring Programs within a specified time period, or take no action at all.

C. Regional Water Boards shall enforce the provisions of this General Permit. This includes, but is not limited to, reviewing SWPPPs, monitoring programs, and

Annual Reports, conducting compliance inspections, and taking enforcement actions.

D. As appropriate, Regional Water Boards may issue NPDES storm water general or individual permits to individual dischargers, categories of dischargers, or dischargers within a watershed or geographic area. Upon issuance of such NPDES permits, this General Permit shall no longer regulate the affected discharger(s).

E. Regional Water Boards may require dischargers to revise their SWPPPs or monitoring programs to achieve compliance with this General Permit. Dischargers shall implement these revisions in accordance with a schedule provided by the Regional Water Board.

F. Regional Water Boards may approve requests from dischargers to include co-located, but discontinuous, industrial activities within the same facility location under a single NOI, so long as the dischargers adequately address all of the facility's significant pollutant sources in the SWPPP and monitoring program.

XXVI. SPECIAL CONDITIONS

A. Reopener Clause

This General Permit may be reopened to incorporate more specific requirements applicable to silvicultural activities that are determined to require NPDES permits. This General Permit may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of U.S. EPA guidance concerning regulated activities, judicial decision, or in accordance with 40 C.F.R. Sections 122.62, 122.63, 122.64, and 124.5

B. Public Comment Period

When a discharger obtains coverage under this General Permit, the public has a period of ninety (90) days to comment on the permit application. The comment period commences on the day the State Water board and/or Regional Water Board accepts the permit application. Based upon the comments received, the Regional Water Board may rescind permit coverage, require revisions to the discharger's SWPPP and monitoring program, and/or subject the permit application to public hearings and formal Regional Water Board approval.

C. Non-Traditional MS4s

Dischargers that have been designated as a non-traditional small municipal storm sewer system (MS4), and which have not obtained coverage under the NPDES General Permit for the discharge of storm water from small MS4s, order 2003-0005-dwq, shall incorporate into the facility's SWPPP BMPs that comply with all of the storm water management program requirements contained in that order. Such dischargers shall electronically submit their updated SWPPPs into SMARTS within 180 days of designation (or as

otherwise directed) and shall make amendments as required by the Regional Water Board.

XXVII. STANDARD CONDITIONS

A. Duty to Comply

1. The discharger shall comply with all of the conditions of this General Permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action and/or removal from General Permit coverage.
2. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this General Permit has not yet been modified to incorporate the requirement.

B. General Permit Actions

1. This General Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for a General Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not annul any General Permit condition.
2. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this General Permit, this General Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the dischargers so notified.

C. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this General Permit.

D. Duty to Mitigate

The discharger shall take all responsible steps to minimize or prevent any discharge, which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The discharger shall at all times properly operate and maintain any facilities and systems of treatment and control (and related equipment and

apparatuses) which are installed or used by the discharger to achieve compliance with the conditions of this General Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems installed by a discharger when necessary to achieve compliance with the conditions of this General Permit.

F. Property Rights

This General Permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor does it authorize any infringement of Federal, State, or local laws or regulations.

G. Duty to Provide Information

The discharger shall provide to the Regional Water Board, State Water Board, or U.S. EPA, within a reasonable time, any requested information to determine compliance with this General Permit. The discharger shall also furnish, upon request, copies of records that are required to be kept by this General Permit.

H. Inspection and Entry

The discharger shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or, in the case of facilities which discharge through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the discharger's premises at reasonable times where a regulated industrial activity is being conducted or where records must be kept under the conditions of this General Permit;
2. Access and copy at reasonable times any records that must be kept under the conditions of this General Permit;
3. Inspect at reasonable times the facility; and
4. Sample or monitor at reasonable times for the purpose of ensuring General Permit compliance.

I. Monitoring and Records

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The individual(s) who performed the analyses;
 - d. The analytical techniques or methods used; and
 - e. The results of such analyses.
2. The discharger shall maintain a paper or electronic copy of all storm water monitoring information, copies of all reports (including Annual Reports), SWPPPs, and all other required records, including a copy of this General Permit, for a period of at least five years from the date generated or date submitted, whichever is later. These records shall be available at the industrial facility.
 3. Upon written request by US EPA or the municipal agency within whose jurisdiction the facility lies, dischargers shall provide written or electronic copies of their Annual Reports to the US EPA or the municipal agency within 10 working days from receipt of the request.

J. Electronic Signature and Certification Requirements

1. All Permit Registration Documents (PRDs) and Notices of Termination (NOTs) shall be electronically signed, certified, and submitted via SMARTS to the State Water Board. Either the Legally Responsible Person (LRP), as defined in the Glossary (Attachment K), or a person legally authorized to sign and certify PRDs and NOTs on behalf of the LRP (the LRP's Approved Signatory, as defined in Attachment K) must submit all information electronically via SMARTS.
2. Changes to Authorization. If an Approved Signatory's authorization is no longer accurate, a new authorization satisfying the requirements of paragraph (1) of this section must be submitted via SMARTS prior to or together with any reports, information or applications to be signed by an Approved Signatory.
3. All Annual Reports, or other information required by the General Permit (other than PRDs and NOTs) or requested by the Regional Water Board, State Water Board, U.S. EPA, or local storm water management agency shall be certified and submitted by the LRP or the LRP's Approved Signatory.

K. Certification

Any person signing documents under Section XXVII.J above, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the

information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

L. Anticipated Noncompliance

The discharger shall give advance notice to the Regional Water Board and local storm water management agency of any planned changes in the industrial activity, which may result in noncompliance with General Permit requirements.

M. Penalties for Falsification of Reports

Section 309(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including reports of compliance or noncompliance shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years or by both.

N. Oil and Hazardous Substance Liability

Nothing in this General Permit shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject to under Section 311 of the CWA.

O. Severability

The provisions of this General Permit are severable; and, if any provision of this General Permit or the application of any provision of this General Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this General Permit shall not be affected thereby.

P. Penalties for Violations of Permit Conditions

1. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any such section in a permit issued under Section 402. Any person who violates any permit condition of this General Permit is subject to a civil penalty not to exceed \$37,500⁴ per calendar day of such violation, as well as any other appropriate sanction provided by Section 309 of the CWA.

⁴ May be further adjusted in accordance with the Federal Civil Penalties Inflation Adjustment Act.

2. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties, which in some cases are greater than those under the CWA.

Q. Transfers

When a transfer of operator occurs, or a facility is relocated, new PRDs must be electronically submitted and approved prior to the operator transfer, or prior to the first operation day for a relocated facility.

R. Continuation of Expired Permit

This General Permit continues in full force and effect until a new General Permit is issued or the State Water Board rescinds this General Permit. Only those dischargers authorized to discharge under the expiring General Permit are covered by the continued General Permit.